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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER : P. Holbrook

SERIAL NO. : 09/787,657

ART UNIT : 1647

FILED : March 20, 2001

PAPER NO. : 4

FOR : CALCIUM CHANNEL ALPHA-2/DELTA GENE

Response to Restriction Requirement Under 35 U.S.C. 121 and 372

June 17, 2002

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated March 15, 2002 (Paper Number 3) in which Restriction was required under 35 U.S.C. 121 and 372.

Under PCT Rule 13.1, Applicants were required to elect a single invention of the following inventions:

**Group I**, claim(s) 1-7, 13-16, 19-26, 31-34, drawn to polynucleotides, vectors and host cells and methods to use.

**Group II**, claim (s) 8-10, 17-18, 27-29, drawn to polypeptides and methods to use.

**Group III**, claim(s) 11,12, 30, drawn to antibodies and methods to use.

Furthermore, paragraph 2 of the Office Communication indicates that, pursuant to PCT Rules 13.1 and 13.2, restriction to one of Inventions 1-48 as pertaining to SEQ ID NO: 1-48 is also required. Applicants note SEQ ID NO:49 appears to be omitted from this requirement.

Applicants hereby elect Group I for prosecution on the merits. As such, Applicants hereby withdraw from prosecution the claims directed to Groups II and III, without prejudice, and reserve the right to file a Divisional application(s) or any other such appropriate measure to the non-elected claims.

Applicants also hereby elect Invention 3 as pertains to SEQ ID NO:3 with traverse. Applicants respectfully submit that claims drawn to the inventions pertaining to SEQ ID NO: 14, 40, 41, 43, and 44 be examined together with the invention pertaining to SEQ ID NO: 3.